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4 **UNITED STATES DISTRICT COURT**  
5 **FOR THE**  
6 **DISTRICT OF NEW JERSEY**

7 **MAURICE COLLINS,**

8 Plaintiff,

9 **v.**

10 **STUDENT ASSISTANCE**  
11 **CORPORATION,**

12 Defendant.

)  
)  
) **Case No.:**  
)  
)  
)

) **COMPLAINT AND DEMAND FOR**  
) **JURY TRIAL**  
)

) **(Unlawful Debt Collections Practices)**  
)

13 **COMPLAINT**

14 MAURICE COLLINS (“Plaintiff”), by and through his counsel, Kimmel & Silverman,  
15 P.C., alleges the following against STUDENT ASSISTANCE CORPORATION (“Defendant”):  
16

17 **INTRODUCTION**

18 1. Plaintiff’s Complaint is based on the Telephone Consumer Protection Act  
19 (“TCPA”), 47 U.S.C. § 227 *et seq.*  
20

21 **JURISDICTION AND VENUE**

22 2. Jurisdiction of this Court arises pursuant to 28 U.S.C. § 1331. See Mims v.  
23 Arrow Fin. Services, LLC, 132 S. Ct. 740, 747, 181 L. Ed. 2d 881 (2012).  
24  
25



1           15.     When contacting Plaintiff on his cellular telephone, Defendant used an automatic  
2 telephone dialing system and automatic and/or pre-recorded messages.

3           16.     Defendant's automated messages identified its company's name as the caller,  
4 and then stated it was "calling about a business matter."

5           17.     Defendant's telephone calls were not made for "emergency purposes."

6           18.     On July 18, 2015, when Plaintiff was able get one of Defendant's representatives  
7 on the telephone, he revoked any consent previously given to Defendant to place telephone calls  
8 to his cellular telephone number.

9           19.     Defendant acknowledged Plaintiff's request stating "Ok" to the revocation, yet  
10 Defendant continued to call Plaintiff on his cellular telephone number, on average, four (4) to  
11 five (5) times a week.

12           20.     Plaintiff received at least ten (10) calls after he revoked consent for Defendant to  
13 call his cellular telephone number.

14           21.     Upon information and belief, Defendant conducts business in a manner which  
15 violates the Telephone Consumer Protection Act.  
16

17  
18                   **DEFENDANT VIOLATED THE**  
19                   **TELEPHONE CONSUMER PROTECTION ACT**

20           22.     Plaintiff incorporates the forgoing paragraphs as though the same were set forth  
21 at length herein.

22           23.     Defendant initiated multiple automated telephone calls to Plaintiff's cellular  
23 telephone using a prerecorded voice.

24           24.     Defendant initiated these automated calls to Plaintiff using an automatic  
25 telephone dialing system.

1           25. Defendant's calls to Plaintiff were not made for emergency purposes.

2           26. Defendant's calls to Plaintiff, after July 18, 2015, were not made with Plaintiff's  
3 prior express consent.

4           27. Defendant's acts as described above were done with malicious, intentional,  
5 willful, reckless, wanton and negligent disregard for Plaintiff's rights under the law and with the  
6 purpose of harassing Plaintiff.

7           28. The acts and/or omissions of Defendant were done unfairly, unlawfully,  
8 intentionally, deceptively and fraudulently and absent bona fide error, lawful right, legal  
9 defense, legal justification or legal excuse.

10           29. As a result of the above violations of the TCPA, Plaintiff has suffered the losses  
11 and damages as set forth above entitling Plaintiff to an award of statutory, actual and trebles  
12 damages.  
13

14  
15           WHEREFORE, Plaintiff, MAURICE COLLINS, respectfully prays for judgment as  
16 follows:

- 17           a. All actual damages suffered pursuant to 47 U.S.C. §227(b)(3)(A);  
18           b. Statutory damages of \$500.00 per violative telephone call pursuant to 47  
19           U.S.C. §227(b)(3)(B);  
20           c. Treble damages of \$1,500 per violative telephone call pursuant to 47  
21           U.S.C. §227(b)(3);  
22           d. Injunctive relief pursuant to 47 U.S.C. §227(b)(3); and  
23           e. Any other relief deemed appropriate by this Honorable Court.  
24  
25

**DEMAND FOR JURY TRIAL**

PLEASE TAKE NOTICE that Plaintiff, MAURICE COLLINS, demands a jury trial in this case.

**CERTIFICATION PURSUANT TO L.CIV.R.11.2**

I hereby certify pursuant to Local Civil Rule 11.2 that this matter in controversy is not subject to any other action pending in any court, arbitration or administrative proceeding.

Respectfully submitted,

Dated: August 14, 2015

By: /s/ Amy Lynn Bennecoff Ginsburg  
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